IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 24655 of 2007(I)

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PETITIONER:

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BEENA KALYAN C., AGED 37 YEARS,
W/O. K.N.SURESH KUMAR, U.P.S.A., CHANGANKARI (LWA)
RESIDING AT SUDARSHANAM, MATHILBAGAM, THIRUVALLA.

BY ADV. SRI.SAJITH KUMAR V.

RESPONDENTS:

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1. TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,NANDANCODE,TRIVANDRUM

2. DIRECTOR OF PUBLIC INSTRUCTIONS,
O/O. D.P.I., THYCADU, TRIVANDRUM.

3. SMT. MANJU K.,
U.P.S.A., CHERIYANADU D.B.H.S., RESIDING AT
ANIL BHAVAN, SOORANADU NADUVIL, ANAYADI P.O.

4. SMT. MAYA,
U.P.S.A., CHERIYANADU D.B.H.S.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMOOD
SRI.K.N.VENUGOPALA PANICKER, SC, TDB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**A.K.BASHEER, J.**

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W.P.(C)No.24655 OF 2007

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Dated this the 14th day of August, 2007

**JUDGMENT**

Petitioner claims that she was appointed against a regular vacancy of Upper Primary School Assistant in Devaswam Board High School at Earumeli with effect from June 26, 2002. According to her, she had been seeking transfer to a station near to her residence every year thereafter. But, her request has not been favourably considered so far and many of her junior incumbents have been accommodated in stations of their choice.

2. In the year 2006 petitioner was transferred against a leave vacancy while her juniors were accommodated against regular vacancies in the same school. The grievance of the petitioner is that she is even now working against a leave vacancy whereas two of her juniors, namely Smt. Manju.K and Maya are presently working at Cheriyanadu against regular vacancies. It is further contended by the petitioner that she had made a request to transfer her either to Cheriyanadu or

Thiruvalla against a regular and retirement vacancy respectively. But those requests were also not considered.

3. I do not propose to deal with any of the above contentions at this stage, in view of the limited prayer made by the petitioner in this writ petition. The prayer is to issue a writ of mandamus or such other appropriate writ or direction to respondent no.2 to take a decision on Ext.P4 which is stated to have been submitted by the petitioner under Rule 10 Chapter XIV-A KER. Similarly, petitioner prays for a direction to respondent no.1 to accommodate her against a regular vacancy of Upper Primary School Assistant in the order of preference submitted in the general transfer application. Ext.P6 is the representation submitted by the petitioner in this connection.

4. Having regard to the entire facts and circumstances, the writ petition is disposed of with the following directions:

(a) Respondent no.2 shall consider and pass orders on Exts.P4 and P5 strictly on their merit and in accordance with law as expeditiously as possible, at

any rate, within two months from the date of receipt of a copy of this judgment.

(b) Respondent no.2 shall ensure that the petitioner the manager of the school and other teachers who are likely to be affected by the order that may be passed, are afforded sufficient opportunity to be heard before any decision is taken in the matter.

(c) Respondent no.1 shall take a decision on Ext.P6 as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment after affording sufficient opportunity of hearing to the petitioner.

(d) Petitioner shall produce a copy of the writ petition along with a certified copy of the judgment before respondents 1 and 2 for compliance.

Writ petition is disposed of as above.

**A.K.BASHEER, JUDGE**

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